

Serial No. 10/055,194
Amdt. dated February 2, 2006
Reply to Office Action of November 2, 2005

Attorney Docket No. PF02194NA

REMARKS/ARGUMENTS

Claims 1 through 3, 6 through 12, 15 through 18, 20 through 25 and 27 through 32 remain in this application. Claims 1, 9, 17 and 22 have been amended.

Claims 1 through 4, 6 through 13, 15 through 18, 20 through 25, and 27 through 32 are rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 6,301,609 (issued Oct. 9, 2001) to Aravamudan, et al. [hereinafter "*Aravamudan*"].

Claims 1, 9, 17 and 22 are the only independent claims remaining. Claims 1 and 17 as amended provide, *inter alia*, gathering device resource information associated with the first device, wherein the resource information is a display capability, input capability, link cost, device type, latency or power of the first device. Claim 9 as amended provides, *inter alia*, a communication server operable to gather device resource information associated with the first device, wherein the resource information is a display capability, input capability, link cost, device type, latency or power of the first device. Claim 22 as amended provides, *inter alia*, a second routine that directs a server to gather device resource information associated with the first device, wherein the resource information is a display capability, input capability, link cost, device type, latency or power of the first device. Thus, the communication system, or associated computer program, gathers a display capability, an input capability, a link cost, a device type, a latency or a power of the first device.

Page 2 of the above Office Action states that Applicants have not claimed that display capability, input capability, link cost, device type, latency or power of the first device, but that

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"information associated with" these properties is transmitted. In response, independent claims 1, 9, 17 and 22 are hereby amended to specifically provide that the resource information is a display capability, input capability, link cost, device type, latency or power of the first device.

Page 2 of the above Office Action also states that, by indicating on-line presence, information is thereby communicated that the device meets the minimum requirements of each property in order to establish online connection. Applicants respectfully traverse this argument presented by the Examiner. Applicants agree that the device must have some minimum property for each type of resource information when the online connection is established. However, *Aravamudan* does not describe or suggest that this resource information is gathered by the communication system for subsequent transmission to another device, as required by claims 1, 9, 17 and 22. Display capability, input capability, link cost, device type, latency and power are not the type of resource information that are gathered or communicated among devices of existing real-time communication service. In fact, col. 9, lines 45 through 63, of *Aravamudan* describes specific attributes relating to buddy's CPE that are quite different from the resource information specified by claims 1, 9, 17 and 22. Therefore, claims 1, 9, 17 and 22 distinguish patentably from *Aravamudan*.

Claims 2, 3, 6 through 8, 10 through 12, 15, 16, 18, 20, 21, 23 through 25 and 27 through 32 depend from and include all limitations of independent claims 1, 9, 17 and 22 as amended. Therefore, claims 2, 3, 6 through 8, 10 through 12, 15, 16, 18, 20, 21, 23 through 25 and 27 through 32 distinguish patentably from *Aravamudan* for the reasons stated above for claims 1, 9, 17 and 22.

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In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claims 1 through 3, 6 through 12, 15 through 18, 20 through 25 and 27 through 32 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any


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questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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 02/02/06
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